

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

DEC 10 2018

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

MONTOYA Jr., Rodolfo, YOB: 1978, USC

CRIMINAL COMPLAINT

CASE NUMBER: M-18-2514-M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 9, 2018 in Hidalgo county, in the Southern District of Texas defendant(s) did,

Knowingly and Intentionally Possess with the Intent to Distribute approximately 157.62 kilograms of Marijuana, a Schedule I Controlled Substance.

Knowingly and Intentionally Conspire to Possess with the Intent to Distribute approximately 157.62 kilograms of Marijuana, a Schedule I Controlled Substance.

in violation of Title 21 United States Code, Section(s) 846, 841 (a) (1)

I further state that I am a(n) DEA Special Agent and that this complaint is based on the following facts: See Attachment "A".

Continued on the attached sheet and made a part of hereof: Yes No

Approved by
Picone

Steven F. Picone
Signature of Complainant
Steven F. Picone, DEA Special Agent

Sworn to before me and subscribed in my presence,

December 10, 2018
Date

8:33 am

At McAllen, Texas
City and State

Peter E. Ormsby, U.S. Magistrate Judge
Name & Title of Judicial Officer

Peter E. Ormsby
Signature of Judicial Officer

ATTACHMENT

On December 9, 2018, at approximately 5:30p.m., a U.S. Border Patrol Agent (BPA) was performing line-watch duties south of Donna, Texas when the RAID Tower Operators BPAs notified BPAs that there were multiple subjects in the area of Valley View Road. This area is known by BPAs to be a high narcotics and alien smuggling area. Additional BPAs responded to the area and observed a vehicle traveling north on Church Road at a high rate of speed. At approximately 5:35 P.M., a BPA advised additional BPAs responding that a black sedan was traveling northbound towards the levee at a high rate of speed. A short time later, the driver of the black sedan, later identified as Rodolfo MONTOYA, Jr. (DOB: 1/10/1978) swerved around a BPA's marked unit and continued northbound on Valley View Road.

At approximately 5:43 P.M., a BPA attempted to conduct a traffic stop on the black sedan, but the vehicle failed to stop. During the pursuit, MONTOYA, Jr. bailed out of the sedan at N. 6th Street and Ebony Street and ran behind some houses in the area. A BPA searched the area near the bail out and located MONTOYA hiding alongside a residential building and MONTOYA, Jr. was taken into custody without incident. BPAs searched the sedan that MONTOYA, Jr. was driving and seized approximately 157.62 kilograms of marijuana. The bundles were field tested and did test positive for marijuana.

On that same date, a DEA Special Agent and Task Force Officer responded to the Weslaco Border Patrol Station where MONTOYA, Jr. was being held. At that time, MONTOYA, Jr. was advised of his Miranda Rights and MONTOYA, Jr. waived his Rights. MONTOYA, Jr. stated that he was in need of money for Christmas and was contacted by an associate of his named Jovan LNU to transport marijuana.. On December 9, 2018, MONTOYA, Jr. borrowed his sister's vehicle and met with Jovan LNU and another unknown subject (FNU LNU) at the Stripes gas station in the area of Military Highway and I Road. MONTOYA, Jr. stated that Jovan LNU advised they would receive \$2,000.00 USC to pick up the marijuana, but MONTOYA, Jr. was unaware of how much he was going to be paid. After meeting with Jovan LNU and FNU LNU, MONTOYA, Jr. drove to a pre-determined location and turned the vehicle over to an unknown male. A short time later, the subject gave the vehicle back to MONTOYA, Jr. already loaded with bundles of marijuana. MONTOYA, Jr. observed Border Patrol Agents approaching and began to flee. MONTOYA, Jr. fled on foot from the vehicle and was apprehended a short time later.